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Attorneys for Defendants
Sodexo, Inc., and SDH Education West, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ESTEVAN RIVERA, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

vs.

SODEXO, INC., a Delaware Corporation;
SDH EDUCATION WEST LLC, a
Delaware LLC; and DOES 1 - 100,
inclusive,

Defendants.

No. _____

**DECLARATION OF MAHLET
TESFATSION IN SUPPORT OF
NOTICE OF REMOVAL OF CIVIL
ACTION**

Los Angeles County Superior Court,
No. 18STCV00292

TESFATSION DECL. ISO REMOVAL
U.S.D.C., C.D. Cal., No. _____

1 I, Mahlet Tesfatsion, declare:

2 1. I have been a Human Resources Business Partner for Sodexo, Inc.
3 ("Sodexo"), one of the defendants in this action, since [August 2016]. In this position, I
4 am knowledgeable of the business operations of Sodexo and its affiliates, including SDH
5 Education West, LLC ("SDH"), and have access to their California employee data
6 records, which they maintain in the normal course of their business and rely upon for a
7 variety of business and human resource functions. I make this declaration in support of
8 defendants' Notice of Removal of Civil Action. I have personal knowledge of the facts
9 set forth in this declaration, or know them in my capacity as an employee for Sodexo,
10 based on records that Sodexo and SDH keep in the regular course of their business, and
11 could and would competently testify to them under oath if called as a witness.

12 2. Sodexo is now, and was as of October 4, 2014, a corporation incorporated
13 under the laws of the State of Delaware with its principal place of business in the State of
14 Maryland.

15 3. SDH is now, and was as of October 4, 2014, a limited liability company
16 organized under the laws of the State of Delaware with its principal places of business in
17 the State of Maryland. SDH is composed solely of Sodexo America, LLC, which is now,
18 and was as of October 4, 2014, a limited liability company organized under the laws of
19 the State of Delaware with its principal place of business in the State of Maryland.
20 Sodexo America, LLC, in turn, is composed solely of Sodexo Management, Inc., which
21 is now, and was as of October 4, 2014, a corporation organized under the laws of the
22 State of New York with its principal place of business in the State of Maryland.

23 4. The majority of the core executive and major administrative functions of
24 Sodexo's and SDH's constituent members, Sodexo America, LLC, and Sodexo
25 Management, Inc., are carried out at Sodexo's headquarters located at
26 9801 Washingtonian Boulevard, Gaithersburg, Maryland. Specifically, communications,
27 public relations, marketing, strategy, diversity, human resources, legal, and supply
28 management (procurement) are performed out of Sodexo's headquarters. Additionally,

TESFATSION DECL. ISO REMOVAL
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1 Sodexo's corporate records are maintained at its headquarters. None of these functions is
2 performed for Sodexo or its affiliates in California.

3 5. The corporate policies and operations of Sodexo and the aforementioned
4 affiliated companies are formulated and carried out in Gaithersburg, and the initial and
5 ultimate decisions concerning governance and oversight rests with the Board of Directors
6 and high-level officers who work out of, and regularly meet in, Gaithersburg.

7 6. Certain additional Sodexo corporate functions are shared between Sodexo's
8 headquarters and Sodexo's financial service center located in New York. Those shared
9 functions are finance, accounting, and internal control. None of these Sodexo corporate
10 functions is performed in California.

11 7. Sodexo and SDH maintain regional and local offices in California. These
12 offices, however, do not perform any of the core executive and administrative functions
13 or major administrative operations in California.

14 8. In connection with this lawsuit, Sodexo and SDH retrieved and I reviewed
15 employee data records for non-exempt employees at issue in this action, including the
16 records for plaintiff Estevan Rivera. These records are maintained by Sodexo and SDH
17 in the ordinary course of business, and are deemed reliable by Sodexo and SDH in taking
18 personnel and compensation actions based on the data. These records include each
19 employee's hire and termination date (if any), work location, whether the employee was a
20 full-time or part-time employee, and his or her final hourly wage rate.

21 9. Since October 4, 2014, Sodexo and SDH have employed at least 27,062 non-
22 exempt employees in positions in the State of California.

23 10. From October 4, 2015, to November 2, 2018, 14,586 non-exempt employees
24 in California have separated from employment with Sodexo.

25 11. Of these 14,586 separated employees, 6,908 were full-time employees who,
26 on average, worked 7.86 hours per day at an hourly wage rate at the time of termination
27 of \$13.97.

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12. Of these 14,586 separated employees, 7,678 were part-time employees who, on average, worked 6.28 hours per day at an hourly wage rate at the time of termination of \$12.24.

13. Using these figures, I calculated the amount of waiting-time penalties Sodexo could owe for separated full-time non-exempt employees to be \$22,755,822.40: \$13.97/hour (average hourly rate) x 7.86 hours (average hours daily) x 30 days x 6,908 (number of separated full-time non-exempt employees).

14. Using these figures, I calculated the amount of waiting-time penalties Sodexo could owe for separated part-time non-exempt employees to be \$17,705,590.84: \$12.24/hour (average hourly rate) x 6.28 hours (average hours daily) x 30 days x 7,678 (number of separated part-time non-exempt employees).

15. Based on the figures presented above, I calculated the total amount of waiting-time penalties Sodexo could owe to separated non-exempt employees to be \$40,461,413.24 (\$22,755,822.40 + 17,705,590.84).

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on November __30, 2018, at __Oakland , California.


Mahlet Tesfatsion